

REMARKS

The above-identified application is United States application serial number 10/615,643 filed on July 8, 2003. Claims 1-47 are pending in the application. Claims 1-47 are rejected. Applicant respectfully traverses these rejections.

Specification

In response to the Examiner's request for a more descriptive title, Applicant has requested that the title be changed to --Systems and Methods Using Enhanced Vision To Provide Out-the-Window Displays For A Device--. Removal of the objection to the title is respectfully requested.

Double Patenting

Claims 24, 25, 37, 39, 44, and 45 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting. In response, Applicant is filing a terminal disclaimer herewith. Applicant does not admit or agree that the claims are obvious over the claims in co-pending U.S. Application No. 10/616,145 in view of Guell ("FLILO (Flying Infrared Low-level Operations), 2000), alone or in combination. The terminal disclaimer is being filed because both applications were filed on the same day and therefore should have the same or similar patent terms.

Rejection of Claims Under 35 USC § 103

Claims 1-4 and 12 are rejected under 35 USC 103(a) as being unpatentable over Guell in view of "NASA's High-Speed Research Program", 6/5/2003, (hereafter "NASA"). Independent claim 1, as amended to include features of claim 15 (now canceled), recites:

"computer executable instructions operable to:

...generate a common display area associated with at least two mutually exclusive windows of information on the display device, wherein the common display area can be customized by the operator to display

KOESTNER BERTANI LLP
10661 MACARTHUR BLVD.
SUITE 400
IRVING, CA 92612
TEL (949) 251-0260
FAX (949) 251-0260

detailed information related to the information displayed in the associated windows.”

In rejecting claim 15, the examiner states that Bernier U.S. Patent Application Publication No. 2004/0169663 (hereafter “Bernier”) shows multiple windows with a common display area that is customizable from alternative common display area views. (Office Action, page 15). With respect, Applicant disagrees. The cited portion of Bernier pertains to diagrams illustrating the results of percentage-based and content-based fusing of two images to form a composite image, as well as a diagram illustrating tiling of different images within the display. (Bernier, [0036] - [0038]). The processor receives separate images from separate sources and defines image meshes for each image. (Bernier [0095]). Further, the images overlap in large areas. *Id.* Thus, Bernier does not disclose or suggest using two images that are mutually exclusive, nor are the images “windows of information on the display device” since they are not displayed separately. Bernier also does not disclose or suggest allowing an operator to customize the display area. Claim 1 is distinguishable from Bernier and Guell, alone and in combination, for at least these reasons.

Claims 2 - 14 depend from claim 1 and include features that further distinguish them from the prior art. Allowance of claims 1-14 is respectfully requested.

The feature of claims 40 have been included in independent claim 37. Claim 40 has been canceled.

Independent claims 16, 24, and 37 include display devices positioned to provide the portion of a desired out-the window visual scene in combination with a window that provides another portion of the desired out-the-window visual scene. In contrast, the cited portion of Bernier discloses integrating a view of the environment surrounding the aircraft with other types of data such as HIS, ADI, altimeters, airspeed, etc. (Bernier [0102]). The “other” type of information in Bernier is not a window that provides another portion of the desired out-the-window visual scene. Claims 16, 24, and 37 are distinguishable from Bernier for at least these reasons.

KOESTNER BERTANI LLP
18561 MACARTHUR BLVD.
SUITE 400
IRVINE, CA 92612
TEL (949) 251-0250
FAX (949) 251-0260

Claims 17-23, 25-36, and 38-39, 41-47 depend from claims 16, 24, and 37, respectively, and include features that further distinguish them from the prior art. Allowance of claims 16-39 and 41-47 is respectfully requested.

KOSTNER BERTANI LLP
18663 MACARTHUR BLVD
SUITE 400
IRVINE, CA 92612
TEL (949) 251-0260
FAX (949) 251-0260

CONCLUSION

Claims 15 and 40 have been canceled. Applicant believes the application, including all remaining claims 1-14, 16-39, and 41-47 are in form for allowance and a notice to that effect is solicited. In the event it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted to the
USPTO, Central Number at (571) 273-8300 on the date shown below

Mary Jo Bertani
(Signature)
MARY JO BERTANI
(Printed Name of Person Signing Certificate)
11/10/2005
(Date)

Respectfully submitted,

Mary Jo Bertani
Mary Jo Bertani
Attorney for Applicant(s)
Reg. No. 33,004

KOSTNER BERTANI LLP
18663 MACARTHUR BLVD.
SUITE 400
IRVINE, CA 92612
TEL (949) 251-0250
FAX (949) 251-0260